

Administrative Office of the Courts
Supreme Court of New Mexico
Arthur W. Pepin, Director



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REQUEST FOR PROPOSALS - RFP #2014-01

A. Confirmation of Receipt

Potential offerors must confirm receipt of this RFP by sending an e-mail to bid@nmcourts.gov with "RFP Confirmation" in the subject line. The body of the e-mail shall include the potential offeror's name, address, e-mail address, and phone number. Only potential offerors who have confirmed receipt of the RFP will be placed on the "RFP Distribution List" and will receive written answers to questions regarding the RFP and any amendments to the RFP.

B. Procurement Manager/Questions

Questions regarding this RFP must be submitted in writing to the Procurement Manager Beth Collard, by e-mail at bid@nmcourts.gov with the phrase "CAAFF RFP Question" in the subject line; or by mail to Beth Collard, AOC, 237 Don Gaspar, Room 25, Santa Fe, NM 87501. Written questions must be received by March 25, 2013. Written responses will be e-mailed to all offerors on the RFP Distribution List on or before April 1, 2013.

C. Purpose

In accordance with the appropriate sections of the New Mexico Procurement Code (Chapters 13-1-28 through 13-1-199 NMSA 1978 amended), the Administrative Office of the Courts (AOC) is accepting sealed proposals from licensed New Mexico attorneys or firms to provide professional legal services in the Fourth, Fifth, Sixth, Seventh, Eighth, Tenth, and Thirteenth Judicial Districts and the Court of Appeals:

1. **The Fourth Judicial District** consisting of San Miguel, Mora and Guadalupe counties, as described below:

Attorneys for Indigent Juveniles or Adults who are committed voluntarily or involuntarily under the Mental Health Code for all cases filed, reopened, or reassigned during the contract period.

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Conflict Attorney to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the New Mexico Children's Code where contract counsel cannot be appointed due to conflict; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Respondents Attorneys for clients whose child or children are the subject of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Proposals are to be made for the cases filed in the Fourth Judicial District and should be submitted with the knowledge that appointed attorneys will be expected to act in all three capacities (Respondent, guardian ad litem, and youth attorney) when necessary and ordered, where no potential conflict exists.

2. **The Fifth Judicial District** consisting of Chaves, Eddy, and Lea counties, as described below:

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption; for all cases filed, reopened, or reassigned during the contract period; and all review hearings for which Notice was filed during the contract period;

Primary Respondents' Attorneys for persons whose child or children are the subject of delinquency, families in need of court ordered supervision (FINCOS), abuse and neglect, adoption and guardianship proceedings arising under the New Mexico Children's Code; for all cases filed, reopened, or reassigned during the contract period; and all review hearings for which Notice was filed during the contract period;

Conflict Custodian Attorneys for clients of a child or children who are the subject of delinquency, of families in need of court ordered supervision (FINCOS), educational neglect, abuse or neglect, termination of parental rights, adoption or guardianship proceedings arising under the New Mexico Children's Code or any other proceedings in which the Court finds it necessary to appoint a Conflict Custodian Attorney, for all cases filed, reopened, or reassigned during the contract period; and all review hearings for which Notice was filed during the contract period.

Proposals are to be made for the cases filed in the Fifth Judicial District.

Proposals must indicate the county or counties (Chaves, Eddy, or Lea) in which the applicant is willing to accept appointments.

3. **The Sixth Judicial District**, (Luna and Hidalgo Counties), as described below:

Two Contracts

The Contractor shall provide Respondent Attorney representation in the Sixth Judicial District for Luna and Hidalgo counties for indigent parties whose child or children are the subject of abuse or neglect proceedings or Family in Need of Court Ordered Services (FINCOS) proceedings, including proceedings for the termination of parental rights, adoption proceedings, or other abuse/neglect or FINCOS proceedings designated by the Court.

One Contract

The Contractor shall provide Respondent Attorney representation in the Sixth Judicial District for Grant county for indigent parties whose child or children are the subject of abuse or neglect proceedings or Family in Need of Court Ordered Services (FINCOS) proceedings, including proceedings for the termination of parental rights, adoption proceedings, or other abuse/neglect or FINCOS proceedings designated by the Court.

One Contract

The Contractor shall provide Guardian ad Litem and Youth Attorney representation in the Sixth Judicial District for Grant county for children and youth, including those age 14 and older, who are the subject of abuse or neglect proceedings or Family in Need of Court Ordered Services (FINCOS) proceedings, including proceedings for the termination of parental rights, adoption proceedings, or other abuse/neglect or FINCOS proceedings designated by the Court.

Proposals are to be made for the cases filed in the Sixth Judicial District.

4. **The Seventh Judicial District**, (Socorro, Catron, Sierra, and Torrance Counties), as described below:

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a delinquency, children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Respondents Attorneys for clients whose child or children are the subject of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico Children's Code; for all cases

filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Proposals are to be made for the cases filed in the Seventh Judicial District.

5. **The Eighth Judicial District**, (Taos and Colfax /Union counties), as described below:

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a delinquency, children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Respondents Attorneys for clients whose child or children are the subject of delinquency, of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Proposals are to be made for the cases filed in the Eighth Judicial District.

Proposals must indicate the county or counties (Taos or Colfax/Union) in which the applicant is willing to accept appointments.

6. **The Tenth Judicial District**, (Quay, DeBaca & Harding Counties):

Proposals are to be made for the cases filed in the Tenth Judicial District and should be submitted with the knowledge that appointed attorneys **will be expected to act in all three capacities** (Respondent, guardian ad litem, and youth attorney) on a rotation basis, where no potential conflict exists. The responsibilities of counsel in each role are described below:

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a delinquency, children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Respondents Attorneys for clients whose child or children are the subject of delinquency, of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico

Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

7. **The Thirteenth Judicial District**, (Sandoval, Valencia and Cibola Counties):

Proposals are to be made for the cases filed in the Thirteenth Judicial District and should be submitted with the knowledge that appointed attorneys **will be expected to act in all three capacities** (Respondent, guardian ad litem, and youth attorney) on a rotation basis, where no potential conflict exists.

From time to time the Contractor may be required to represent a client(s) in one of the other counties of the Thirteenth Judicial District Court due to a conflict by Order of the family law judge of that county. When such an Order of conflict assignment occurs, the Contractor shall report and bill for the out-of-county case as if it was a case in the county where the Contractor regularly performs his/her services.

The responsibilities of counsel in each role are described below:

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a delinquency, children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Respondents Attorneys for clients whose child or children are the subject of delinquency, of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

8. **Court of Appeals:** Statewide as described below

Appellate Attorneys: to provide legal services on appeals for respondents in abuse and neglect and termination of parental rights cases for indigent custodian(s) and respondent parent(s) on a case by case basis. Attorneys will respond to any calendar notice, prepare briefs in cases which are placed on the general calendar, participate in oral arguments, and, if necessary, seek certiorari and represent the client in the New Mexico State Supreme Court.

Proposals are to be made for the cases filed in the Court of Appeals in the state of New Mexico.

D Statement of Work

The offeror will provide legal services to all clients in a professional and skilled manner in accordance with the relevant portions of the New Mexico Children's Code,

Performance Standards for attorneys appointed in cases arising under the Children's Code, the Rules of Professional Conduct, applicable case law and rules, and the terms of the contract. Copies of sample contracts may be found at <http://www.nmcourts.gov/courtappointedattorneys.html>. The Court reserves the right to negotiate additional provisions with the successful bidder. All contracts must be reviewed and approved by the AOC.

Attorneys in abuse/neglect cases shall meet special requirements for a mandatory 10 hours minimum continuing legal education relevant to practice areas for which they are seeking appointment.

Attorneys who accept appointments for cases arising under the Children's Code are required to enter case activity into the online Court Appointed Attorney Fees Log in order to be paid. Attorneys required to access the on-line attorney log must have access to the Internet and a working e-mail address.

E. Term

Proposals are being considered for Fiscal Year 2014 beginning July 1, 2013 through June 30, 2014. Under the terms of Section 13-1-150, contracts may be subject to extensions not to exceed a total of four (4) years.

F. Rejection/Cancellation/Acceptance

The District Courts and the AOC reserve the right to reject any or all proposals in whole or in part and to cancel this RFP at any time when it is in their interests to do so. Discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for the award but proposals may be accepted without such discussions.

G. Proposal Evaluation Committee and Evaluation Criteria

All proposals will be reviewed by the Procurement Manager for compliance with the mandatory requirements stated within the RFP. Proposals deemed non-responsive will be eliminated from further consideration.

The Procurement Manager may contact the offeror for clarification of the response.

Proposals will be evaluated and scored by an Evaluation Team appointed by the District Court.

Proposals for appointments in **Children's Court** proceedings will be evaluated on the following criteria: 1) related case experience; 2) experience working with the Children, Youth, and Families Department and community social service or mental health agencies; 3) current children's court and law practice; 4) proposed contract amount; 5) the applicant's office organization and ability to meet all statutory and court deadlines; 6) the applicant's ability to meet with clients; 7) the applicant's ability to work collegially while maintaining zealous advocacy; 8) the applicant's ability to attend out-of-court meetings;

9) the assessment of the local judiciary; and 10) the applicant's view of challenges in children's law. Preference will be given to proposals that incorporate a flat fee billing schedule.

Responsive proposals will be evaluated on the factors and assigned points by a local selection committee. Each of the factors is assigned a point value. (See Attachment C- Sample Score Sheet). The responsive offerors with the highest scores will be selected as finalist offerors based upon the proposals submitted. Finalist offerors who are asked or choose to submit revised proposals for the purpose of obtaining best and final offers will have their points recalculated based on their revised proposal. The responsible offeror whose proposal is most advantageous to the District Court, taking into consideration the evaluation factors, will be recommended for contract award. Please note, however, that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.

H. Proposal Format

Proposals must:

- 1) Identify the judicial district and county or counties for which the proposal is submitted,
- 2) address each of the factors, in the order listed in paragraph form, with a heading for each factor. Responses should be in concise paragraph form with examples where appropriate. (see paragraph G),
- 3) include a current resume,
- 4) include verification of malpractice insurance,
- 4) include a signed Campaign Disclosure Form (attachment A), and
- 5) a list of CLE courses attended in between January 1, 2012 and January 1, 2013.

Proposals must be submitted electronically, in one complete submission, in Word or PDF files to bid@nmcourts. Proposals must not be submitted before April 1, 2013 at 8:00am and must be received by **5:00 p.m. on May 8, 2013**.

The Campaign Disclosure Form may be signed, scanned and submitted electronically; or mailed to: Beth Collard, Administrative Office of the Courts, 237 Don Gaspar, Rm. 25, Santa Fe, New Mexico 87501 or hand-delivered to Beth Collard, Administrative Office of the Courts, 325 Don Gaspar, Room 100, Santa Fe, New Mexico 87501. Mailed or hand-delivered Campaign Disclosure forms must be in a sealed envelope labeled **CAAFF Proposal**. **No other portion of a proposal shall be mailed or hand delivered to the Procurement Manager.**

The Procurement Manager will electronically confirm receipt of each proposal within two business days of receipt. If confirmation is not received, e-mail Beth Collard at aocbac@nmcourts.gov. Proposals will be opened beginning on May 8, 2013.

A time-line of events relevant to the RFP and a sample-scoring sheet are included as Attachments B and C respectively.

NOTE: The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

Attachment A

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official " means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed

competitive proposal.

“ Campaign Contribution ” means a gift, subscription, loan, advance or deposit of money

or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official’s behalf for the purpose of electing the official to statewide or local office. “Campaign Contribution” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

“ Family member ” means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

“ Pendency of the procurement process”

means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

“ Prospective contractor ” means a person or business that is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person or business qualifies for a sole source or a small purchase contract.

“ Representative of a prospective contractor ” means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Name(s) of Applicable Public Official(s) if any:_____

(Completed by State Agency or Local Public Body)

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By:

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature Date

Title (Position)

Attachment B

Time-Line/Schedule

The Procurement Manager will make every effort to adhere to the following schedule:

Action	Responsibility	Date
1. Issue RFP	AOC/District Court	March 21, 2013
2. Deadline to Submit Written Questions	Potential Offerors	April 1, 2013
3. Response to Written Questions RFP Amendments	AOC	April 5, 2013
4. Submission of Proposal	Offeror	May 8, 2013
5. Campaign Contribution	Offeror	May 8, 2013
6. Proposal Evaluations	District Court Evaluation Committee	May 13, 2013
7. Selection of Finalists	District Court Evaluation Committee	May 16, 2013
8. Best and Final Offers from Finalist, if requested	Offeror	May 26, 2013
9. Finalize/Award Contract	AOC/Offeror	June 1, 2013
10. Protest Deadline	Offeror	June 15, 2013

Attachment C Sample Score Sheet

A. EVALUATION POINT TABLE/SUMMARY

The following is a summary of evaluation factors with a point value assigned to each factor. These factors will be used in the evaluation of individual proposals.

Applicant: _____

<u>Factor</u>	<u>Score/Points Available</u>	<u>Rationale for score</u>
1. Applicant's experience working with Children's Code cases (including section 32A-6-1 et seq.).	_____/20	
2. Applicant's experience with social service agencies, CYFD and other service providers.	_____/20	
3. Applicant's current practice. (areas of law)	_____/20	
4. Contract Amount Proposed	_____/20	
5. Description of Applicant's office organization, automation, office hours (reachable by clients), calendaring system, and ability to meet deadlines.	_____/20	
6. Description of Applicant's ability to meet with child and/or adult clients.	_____/20	
7. Description of Applicant's ability to work collaboratively while maintaining zealous advocacy.	_____/20	
8. Description of Applicant's ability to attend out of court meetings. (CRB, FCMs,	_____/20	

pre-trial mediation)		
9. Judicial assessment score	_____/20	
10. List three challenges to the practice of Children's Law	_____/20	

EVALUATION PROCESS

1. All proposals will be reviewed for compliance with the mandatory requirements stated within the RFP. Proposals deemed non-responsive will be eliminated from further consideration.
2. The Procurement Manager may contact the Offeror for clarification of the response.
3. Responsive proposals will be evaluated on the factors, which have been assigned a point value. The responsible Offerors with the highest scores will be selected as finalist Offerors based upon the proposals submitted. Finalist Offerors who are asked or choose to submit revised proposals for the purpose of obtaining best and final offers will have their points recalculated based on their revised proposal. The responsible Offeror whose proposal is most advantageous to the District Court, taking into consideration the evaluation factors, will be recommended for contract award. Please note, however, that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.